



## CITY OF RICHMOND

### **Department of Planning & Development Review** ***Staff Report***

**Ord. No. 2022-334:** To authorize the special use of the property known as 2012 Hanover Avenue for the purpose of a dwelling unit within an accessory building to a single-family attached dwelling, upon certain terms and conditions. (2nd District)

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** December 5, 2022

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#### **PETITIONER**

David and Linda Lewis, Owners

#### **LOCATION**

2012 Hanover Avenue

#### **PURPOSE**

To authorize the special use of the property known as 2012 Hanover Avenue for the purpose of a dwelling unit within an accessory building to a single-family dwelling, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting a Special Use Permit which would allow for an accessory dwelling, within the R-6 Residential (Single Family Attached) zone, which is not an allowed use. The proposal also includes a rear and side setback that does not meet the requirements of the R-6 zone. A Special Use Permit is therefore requested.

Staff finds that the proposal is generally consistent with the recommendations of the City's Master Plan pertaining to housing types within Neighborhood Mixed Use land use category including the recommendation for "accessory dwelling units" as a primary use and the suggested Development Style that states "These areas feature a variety of building types..."

Staff finds that the proposal would be generally consistent with historical patterns of development within the area, including that of setbacks and lot coverage and use.

Staff finds that the proposed development would not pose an undue burden on the availability of on-street parking in the area. Two parking spaces (one for each unit) will be provided to the rear of the property, within the proposed garage and with access off of the alley.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit.

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## **FINDINGS OF FACT**

### **Site Description**

The property is located in the Fan neighborhood at 2012 Hanover Avenue, between North Rowland and North Meadow Street. The property is 5,408 sq.ft. (0.124 acres) in size and currently consists of a single family attached dwelling.

### **Proposed Use of the Property**

The application requests to allow an accessory dwelling above a garage within the R 6 District. Accessory dwelling units are not listed as a permitted use. The proposal includes a rear setback of 3 feet and east side setback of 0 feet. The R-6 zone requires a rear setback of not less than 5 feet and side setback of not less than 3 feet. A Special Use Permit is therefore required.

### **Master Plan**

The property is designated for Neighborhood Mixed Use land use. Such areas are described as existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.

**Development Style:** These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced.

**Ground Floor:** Regardless of use, buildings should engage the street with features such as street oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses.

**Mobility:** Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings.

**Intensity:** Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

### **Zoning and Ordinance Conditions**

Zoning Administration reviewed this request and recommended approval with the following comments:

“The proposal is to construct a two-car garage with a small hobbyist workshop on the first level and an art studio with wet bar and full bath on the second.

Zoning and Use: The subject property is located in the R-6 (Residential Single Family Attached) zoning district. A detached garage is a permitted accessory structure in the R-6 zoning district. However, neither an accessory dwelling unit nor a lodging unit is a permitted accessory use. The proposed full bathroom is not permitted and creates a lodging unit and the potential for an accessory dwelling unit. Ordinance conditions should clearly identify the permitted use.

Lodging unit means a room or group of rooms within buildings constituting separate and independent living quarters occupied or intended for occupancy by one family and containing provisions for living and sleeping, with or without sanitation facilities within the unit, and not containing cooking facilities.

Yards: There shall be side yards of not less than three feet in width except where buildings are attached. 3’ is proposed along the western property line and 0’ is proposed along the eastern property line.

There shall be a rear yard with a depth of not less than five feet. 3’ is proposed along the rear property line.”

If adopted, the Special Use Permit would impose conditions on the property, including:

- (a) The Special Use of the Property shall be as a dwelling unit within an accessory building to a single-family attached dwelling, substantially as shown on the Plans.
- (b) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.
- (d) No fewer than two off-street parking spaces shall be provided on the Property.
- (e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) The accessory building shall not be used for rental purposes, with the exception of rental to individuals having familial relationship to the owner by blood, marriage, legal guardianship, or adoption.

**Surrounding Area**

Surrounding properties are zoned the same R-6 as the subject property. The surrounding uses largely contain single family residential.

**Neighborhood Participation**

Staff notified area residents and property owners, as well as the Fan Area Business Association and Fan District Association. Staff has not received any public comment.

**Staff Contact:** Ray Roakes, Planner, Land Use Administration, 804-646-5467